



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : David A. Wright et al. Art Unit : 1636
Serial No. : 10/799,870 Examiner : David Guzo
Filed : March 12, 2004
Title : PLANT RETROELEMENTS AND METHODS RELATED THERETO

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

TERMINAL DISCLAIMER UNDER 37 CFR §§3.73(b) AND 1.321(b)

Pursuant to 37 CFR §3.73(b), IOWA STATE UNIVERSITY RESEARCH FOUNDATION, INC., certifies that it is the Assignee of the entire right, title, and interest in the above application by virtue of an assignment from inventors David A. Wright and Daniel F. Voytas. The assignment was recorded in the Patent and Trademark Office at Reel 013738, Frame 0331 on February 10, 2003. IOWA STATE UNIVERSITY RESEARCH FOUNDATION, INC. also certifies that it is the Assignee of the entire right, title, and interest in U.S. Patent No. 6,720,479, issued April 13, 2004, by virtue of the same assignment document. A copy of the assignment is attached.

In addition, IOWA STATE UNIVERSITY RESEARCH FOUNDATION, INC. certifies that it is Assignee of the entire right, title, and interest in U.S. Patent Application Serial No. 10/395,607, filed March 24, 2003, by virtue of an assignment from the inventors. The assignment was recorded in the Patent and Trademark Office at Reel 014049, Frame 0267 on May 12, 2003. A copy of the assignment is attached.

CERTIFICATE OF MAILING BY FIRST CLASS MAIL

I hereby certify under 37 CFR §1.8(a) that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated below and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

November 5, 2004

Date of Deposit

Signature

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The undersigned has reviewed all the documents in the chain of title of the above-identified patents and applications, and to the best of undersigned's knowledge and belief, title is in Iowa State University Research Foundation, Inc.

The undersigned is empowered to act on behalf of the Assignee.

Pursuant to 37 CFR §1.321(b), and to obviate a double patenting rejection, the Assignee identified above hereby waives and disclaims the terminal portion of the term of the entire patent to be granted upon the above identified application subsequent to the expiration date of U.S. Patent No. 6,720,479, whereby the patent granted on this application and U.S. Patent No. 6,720,479 will expire on the same day, provided that any patent granted on the above identified application shall be enforceable only for and during such period that it is commonly owned with U.S. Patent No. 6,720,479.

Pursuant to 37 CFR §1.321(b), and to obviate a double patenting rejection, the Assignee identified above also hereby waives and disclaims the terminal portion of the term of the entire patent to be granted upon the above identified application subsequent to the expiration date of any patent that may issue from U.S. Patent Application Serial No. 10/395,607, whereby the patent granted on this application and any patent that may issue from U.S. Patent Application Serial No. 10/395,607 will expire on the same day, provided that any patent granted on the above identified application shall be enforceable only for and during such period that it is commonly owned with any patent that may issue from U.S. Patent Application Serial No. 10/395,607.

The Assignee identified above does not disclaim any terminal part of any patent granted on the above identified application prior to the expiration date of the full statutory term of U.S. Patent No. 6,720,479 in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR §1.321(a), has all claims cancelled by a reexamination certificate, or is otherwise terminated prior to expiration of its statutory term, except for the separation of legal title as stated above. Assignee herein does not disclaim or otherwise affect any part of U.S. Patent No. 6,720,479.

Further, the Assignee identified above does not disclaim any terminal part of any patent granted on the above identified application prior to the expiration date of the full statutory term of any patent that may issue from U.S. Patent Application Serial No. 10/395,607 in the event that

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it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR §1.321(a), has all claims cancelled by a reexamination certificate, or is otherwise terminated prior to expiration of its statutory term, except for the separation of legal title as stated above. Assignee herein does not disclaim or otherwise affect any part of any patent that may issue from U.S. Patent Application Serial No. 10/395,607.

This disclaimer runs with any patent granted on the above application and is binding upon the grantee, its successors or assigns.

Please charge any additional fees, or make any credits, to Deposit Account No. 06-1050, referencing Attorney Docket No. 08411-032002.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Respectfully submitted,

Date: November 5, 2004

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